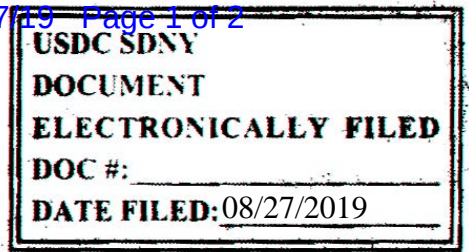


**MDL 1570 PLAINTIFFS' EXECUTIVE COMMITTEE**

In re: Terrorist Attacks on September 11, 2001 (S.D.



<b>Plaintiffs' Executive Committee for Personal Injury and Death Claims</b>	<b>Plaintiffs' Executive Committee</b>
Ronald L. Motley (1944-2013) Jodi Westbrook Flowers / Donald A. Migliori, <i>Co-Chairs</i> MOTLEY RICE LLC James P. Kreindler, <i>Co-Chair</i> KREINDLER & KREINDLER LLP	Stephen A. Cozen, <i>Co-Chair</i> Sean Carter, <i>Co-Chair</i> COZEN O'CONNOR
Andrew J. Maloney III, <i>Co-Liaison Counsel</i> KREINDLER & KREINDLER LLP Robert T. Haeefe, <i>Co-Liaison Counsel</i> MOTLEY RICE LLC	J. Scott Tarbutton, <i>Liaison Counsel</i> COZEN O'CONNOR

Via ECF and Federal Express

August 20, 2019

The Honorable Sarah Netburn  
 Thurgood Marshall United States Courthouse  
 40 Foley Square, Room 430  
 New York, NY 10007

**Re: *In Re Terrorist Attacks on September 11, 2001***  
**Status Letter**

Dear Judge Netburn:

I am writing on behalf of the Plaintiffs' Executive Committees (the "PECs") in response to Your Honor's Order, dated July 31, 2019 (ECF No. 4711), requesting a status update on the progress of securing depositions of witnesses in federal custody. As detailed below, we have continued to communicate with counsel for the two inmates in USP Florence ADMAX in Florence, Colorado (the "Supermax inmates"); the Guantanamo detainees; and, have followed up with the Department of Justice (the "Government") regarding the witness allegedly in witness protection.

Counsel for the Supermax inmates has indicated he will speak to his clients this Wednesday, but has not yet had the chance to discuss these matters directly with them. We have recently been advised by counsel for Mustafa al Hawsawi that he "declines to participate" in a deposition. We had previously advised Your Honor of the positions of Khalid Shaikh Mohammad and Ali Abdul Aziz Ali with regard to taking their depositions.

On August 2, 2019, in response to the PECs' letter seeking to depose an individual alleged to be in the Witness Security Program, the Government initially declined to assist the PECs in coordinating the deposition. Later that day, however, the Government subsequently "agree[d] to make reasonable efforts to serve a deposition subpoena on [the witness] at his last known address." The PECs have sent the subpoena to the Government and await to hear from them about the status of service.

New York, NY ■ Stamford, CT ■ Washington, DC ■ Newark, NJ ■ Philadelphia, PA ■ Los Angeles, CA

The Honorable Sarah Netburn  
August 20, 2019  
Page 2

We will promptly communicate with the Government as soon as we hear more from counsel. The PECs still need to confer with the applicable parties regarding procedures relating to objections and assertions of privilege and will keep Your Honor advised.

Very truly yours,

KREINDLER & KREINDLER LLP

MOTLEY RICE LLC

/s/ James P. Kreindler

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*For the Plaintiffs' Exec. Committees*

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*For the Plaintiffs' Exec. Committees*

cc: The Honorable George B. Daniels (via Federal Express)  
All Counsel of Record in the MDL (via ECF)  
Alan Kabat, Esq. (via email kabat@bernabeipllc.com)

The Plaintiffs' Executive Committees ("PECs") are directed to file a status letter regarding the Supermax Detainees, Guantanamo Detainees, and alleged WitSec Deponent no later than Friday, September 20, 2019. The parties are further reminded that third-party fact discovery closes on October 31, 2019.

**SO ORDERED.**

August 27, 2019  
New York, New York

  
\_\_\_\_\_  
SARAH NETBURN  
United States Magistrate Judge